

**UNITED STATES OF AMERICA**

**DAMIAN ANTONIO MURPHY,**

Case No. 1:06CR00062

## ORDER

By: James P. Jones  
United States District Judge

1. The defendant's Motion to Strike (ECF No. 285) is GRANTED, and his initial motion seeking relief under Fed. R. Civ. P. 60(b) (ECF No. 283) is TERMINATED AS MOOT:

2. The defendant’s “MOTION FOR RELIEF OF JUDGMENT  
ACCORDING TO HAZEL-ATLAS PURSUANT TO RULE 60(d)(3)  
FRAUD ON THE COURT AND RULE 60(b)(3) DISCOVERY  
VIOLATIONS” (ECF No. 286) is DENIED, and the motion is  
CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence,  
pursuant to 28 U.S.C.A. § 2255;

3. The Clerk is DIRECTED to redocket the motion (ECF No. 286) as a § 2255 motion;

4. The § 2255 motion is hereby DENIED without prejudice as successive; and

5. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: May 8, 2012

/s/ James P. Jones  
United States District Judge